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Botswana

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I. Process for the drafting of the report

1. The Ministry of International Affairs and Cooperation (MIAC) collated and coordinated the drafting of the National Report on the 3rd Cycle Review of Botswana under the Universal Periodic Review (UPR) mechanism of the United Nations Human Rights Council. The Ministry also serves as Botswana's Focal Point for the Responsibility to Protect (R2P).

2. As the Chair of the Inter-Ministerial Committee on Treaties, Conventions and Protocols, MIAC solicited the input from Government Ministries and Civil Society Organisations (CSOs). The Drafting Committee comprises representatives from MIAC, Office of the President (OP) and the Attorney General's Chambers (AGC's).

3. The United Nations Development Programme (UNDP), as a strategic partner on governance issues, provided financial support for the compilation of this Report.

4. The Ministry (MIAC), as a coordinating entity, engaged the Civil Society Organisations through consultative meetings as follows:

- 22nd–23rd November 2016 in the North West part of the country;
- 12th–13th December 2016 in the North East part of the country; and
- 30th–31st May 2017 in the Capital city, Gaborone.

5. The Ministry further held Government wide consultations on 25th–26th July 2017. From 22nd–25th August 2017, multi-stakeholder consultations were held which comprised Government ministries and CSOs for their final input. The final circulation of the draft Report was done throughout the month of September 2017 within Government machinery for validation.

6. The Government of Botswana would like to appreciate the critical role played by all the CSOs[1] in the compilation of this National Report.

Issues from consultations

7. The following issues emerged as being of paramount importance to CSOs:

- Combating HIV/AIDS;
- Gender Equality;
- Gender Based Violence;
- Disability Rights;
- Rights of Prisoners;
- Poverty Reduction;
- Child Labour;
- Sexual and Reproductive Health Rights;
- Cultural Rights;
- Children's Rights;
- Corporal Punishment;
- Human Rights Education;

- Human Rights Promotion;
- Mother Tongue Education;
- Safe Drinking Water and Sanitation;
- Land Rights;
- Sexual Orientation and Gender Identity;
- Establishment of a National Human Rights Institution;
- Access to Natural Resources by Local Communities;
- Domestication of Treaties;
- Freedom of Expression;
- Freedom of Religion;
- Nationality.

II. Implementation of recommendations from the previous cycle

8. Botswana's ultimate intention in the implementation process continues to be the enhancement of national capacity for the promotion and protection of human rights for all persons living in Botswana.

9. Botswana accepted 111 and rejected 61 recommendations during the 2nd Cycle Review. In this regard, the Report attempts to highlight progress in the implementation of the accepted recommendations and challenges faced in the promotion and protection of human rights.

Domestication of treaties

10. The Rome Statute of the International Criminal Court Act of 2017 was passed by Parliament on 13th July 2017. The Act provides for the domestication of the Rome Statute of the International Criminal Court, which Botswana ratified on 8 September 2000.

Establishment of a national human rights institution

11. It will be recalled that Cabinet in 2014, approved the amendment of the Ombudsman Act [CAP 02:12], Act No. 5 of 1995 which confers a human rights mandate on the Office of the Ombudsman. This will result in the transformation of the Office of the Ombudsman into a hybrid National Human Rights Institution.

12. In this regard, the Attorney Generals Chamber is currently working on the Ombudsman Amendment Bill which will confer the human rights mandate on the Office of the Ombudsman. It is hoped that the Bill will be tabled during the 2018 July Session of Parliament.

13. Since the last review, Botswana undertook benchmarking missions to the Commission on Human Rights and Administrative Justice (CHRAJ) of Ghana in 2015 and the Commission for Human Rights and Good Governance (CHRAGG) of Tanzania and the Office of the Ombudsman of Namibia in 2016.

14. The Government is studying the recommendations contained in the Report emanating from the benchmarking exercises with a view of adopting the ideal model for the envisaged institution in line with the Paris Principles.

15. The UNDP has assisted Botswana with the recruitment of a Technical Adviser who commenced work during the month of September 2017. The Technical Adviser is expected to assist with the transformation of the Office of the Ombudsman, including the review of the Ombudsman Act.

Human rights promotion

16. The Government has taken a decision to establish a Human Rights Unit under the OP. This Unit will amongst others enhance the promotion of human rights and coordinate the development of a National Human Rights Strategy and National Action Plan.

17. The conferment of the human rights mandate on the Ombudsman will also facilitate the intensification of the promotion and protection of human rights and human rights education.

18. CSOs such as DITSHWANELO-the Botswana Centre for Human Rights, Women Against Rape (WAR) and the Botswana Network on Ethics, Law and AIDS (BONELA) are also proactive in sensitising the public about the human rights agenda.

Poverty eradication

19. The Government continues to implement Poverty Eradication Initiatives whose main objectives are to economically empower the poor by capacitating the beneficiaries to enable them to live a dignified life.

20. The Botswana Millennium Development Goals Status Report (2015) stated that poverty in rural areas has decreased at the rate of 6.5 percent, whilst cities and towns experienced a 3.5 percent decrease since 2002/3.

21. With this in mind, the Government has expressed the intention to eradicate the 19.1 percent abject poverty by December 2017. Furthermore, steps were taken in 2016 to strengthen the coordination and implementation of Poverty Eradication Programmes (PEPs).

22. Poverty eradication is driven through the following Government initiatives:

(a) Livestock Management and Infrastructure Development (LIMID) Programme;

(b) Remote Area Dwellers Programme (RADP);

(c) Youth Empowerment Scheme (YES);

(d) Women's Economic Empowerment Programme; and

(e) Destitute Persons Programme.

23. Furthermore the Government has made provision for several subsidies which include shelter, medical care, occasional fares, funeral expenses (when needed) and exemptions from service levies, taxes, water charges, street licenses, school fees and tools for rehabilitation for the benefit of the vulnerable communities.

24. Additional shelter is provided under the Presidential Housing Appeal for the needy. As of September 2017, 756 houses have been built and donations of P722, 372.01 made.

25. The Government has however experienced challenges of dependence by beneficiaries on social safety net programmes. Challenges for the PEPs include targeting of beneficiaries, implementation procedures and poor coordination, and low graduation of beneficiaries.

26. The Government initiated the Poverty Eradication Programme in 2009 with the aim of "ensuring that every able bodied Motswana should step out of poverty and embark on the road to wealth creation and dignified living" by end of 2017. The programme was introduced to address the twin problems of poverty and unemployment within the country. The Government places a high premium on this programme and to ensure its success, it is coordinated from the Office of the President. Botswana has also maintained strong investment in social protection, health and education resulting in extended services and accessibility.

27. In addition, the Government has introduced a Women's Economic Empowerment Programme to empower women by eradicating poverty and creating employment for women through small enterprises. The programme funds women as groups. The main goal of the Programme is to promote gender equality and equity in line with Botswana's international, regional and national obligations.

28. In order to economically empower the Youth, the Government has introduced the Youth Development Fund which focuses on entrepreneurship development and employment creation. It is open to Batswana citizens aged 18-35 years. Youths are also given special dispensation when applying for land and licenses to operate their businesses.

29. It is also worth noting that Botswana's Vision 2036 and National Development Plan 11 priorities are aligned to goal one of the Sustainable Development Goals. Through the Vision, the Government continues to promote policies, and where necessary develop new ones to stimulate the participation of Batswana in Socio-Economic activities aimed at eradicating poverty in all its forms. During National Development Plan 11, social protection systems would be strengthened through enhancement of policies and strategies aimed at cushioning vulnerable and disadvantaged groups.

Combating HIV/AIDs

30. Botswana continues to take measures to combat the scourge of HIV and AIDS and has identified prevention as the first priority of the national response. The National Strategic Framework (NSF) 2010-2016 was reviewed in 2014 to align the national response priority with the latest developments in HIV and AIDS.

31. The NSF III, National Operation Plan (NOP) and National Monitoring Evaluation Plan (NMEP) are currently being developed. The NSF III is targeting the most affected groups and key populations by location (taking into consideration that key population groups are mobile). Consultations with different stakeholders (CSOs, NGOs, Development Partners, Private Partners and Government Department's) have been done and the final documents are expected to be completed by October 2017.

32. In order to decrease the number of HIV infections, deaths and treatments costs, Botswana launched the Treat All Strategy in June 2016. Program data shows that in March 2017, 487,177 people were tested and 29,725 (6.1 percent) tested positive and that 26,811 have been initiated on Anti-Retroviral Therapy (ART).

33. Botswana has also subscribed to the UNAIDS Global 90-90-90 Fast Track Targets. This translates to: 90 percent of those living with HIV know their HIV status, 90 percent of those who know status are on treatment and 90 percent of those on treatment are virally suppressed.

34. In 2016, 11 994 women living with HIV gave birth and 5,770 infants received virological HIV test within two months of birth translating to early infant diagnosis rate of 49 percent. Out of the infants tested at 2 months, 78 of them were HIV positive (0.7 percent). The same also showed that 152 (1.4 percent) of all children were newly infected with HIV from Mother to Child Transmission (MTCT) among women delivering in 2016. In preventing MTCT of HIV, 94 percent of pregnant women living with HIV received antiretroviral medicine to reduce the risk of MTCT.

35. In Botswana, adolescent girls and young women carry a higher HIV burden. The Botswana AIDS Impact Survey (BAIS) IV indicated that in 2013, 15–19 year old girls had an HIV prevalence of 6.2 percent compared to 3.6 percent that was among boys in the same age group. HIV Prevalence in young women aged 20–24 is three times (14.6 percent) higher compared to the ones of males in the same age group which was at (5 percent).

36. In 2016, the second Botswana Youth Risk Behavioural and Biological Surveillance Survey (BYRBBSS) conducted among 7,205 students aged between 13–19 years, indicated that 75.7 percent of all students knew the relationship between HIV/AIDS, 22.3 percent were sexually experienced, 33 percent had sexual intercourse for the first time before the age of 13 years, and 43.7 percent of them had sexual intercourse with 2 or more people in the 12 months prior to the survey.

37. Looking at the vulnerability of the young population to HIV/AIDS and an increase in the number of teenage pregnancies, sexual abuse, and STIs, Botswana has education policies that guide the delivery of life skills based HIV and sexuality education according to international standards at primary, secondary and tertiary levels.

38. The Government, however, recognises the need to strengthen implementation of these policies through capacity building and access to condoms for young people. The Government in collaboration with development partners continues to implement targeted programmes and services including social media education programmes such as Wise-Up, teen clubs, youth friendly services.

39. The Stigma Index Survey conducted in 2013 revealed that internalised stigma (24 percent) is higher compared to external stigma (13 percent). The BAIS IV survey (2013) also showed that the percentage of women and men expressing negative attitudes towards people living with HIV (PLHIV) dropped from 64.8 percent in 2008 (BAIS III) to 23.8 percent. With prevailing levels of stigma in Botswana there are policies which are consistently implemented. Health care workers are given the competencies required to address stigma and discrimination.

40. The Government, through the Ministry of Health and Wellness (MoHW) partners with Community Based Organisations (CBOs) and CSOs to implement different programmes to reach hard to reach areas. These programmes include HIV testing and treatment, care and support, Safe Male Circumcision (SMC), alcohol and drug abuse and linkage to care for key populations.

41. The MoHW has issued an internal directive ordering the provision of ARV treatment to non-citizen prisoners.

42. In addition, looking at the increasing incidence rate under key population groups, Botswana has recently taken a decision to adopt Pre-Exposure Prophylaxis (PrEP) as prevention mechanisms to selected key populations. An Implementation Strategy is still being developed.

43. Botswana still experiences high levels of gender inequality. HIV disproportionally affects women and girls. The Government therefore continues to address the gender dynamics through targeted interventions on vulnerability to HIV and gender based violence

(GBV) education. Botswana has conducted a gender assessment of the national HIV and AIDS response in 2014 to identify the key gender issues to address in the HIV response.

Rights of the child

44. The National Plan of Action (NPA) for Orphans and Vulnerable Children (OVCs) is mostly funded under the orphan care programme with sectoral partners contributing through their line ministries. For example, the Ministry of Tertiary Education, Research, Science and Technology provides special dispensation (funding) to facilitate access to tertiary education by graduated OVCs, learners with special needs as well as Remote Area Dwellers (RADs).

45. Other activities under the NPA include up scaling of psycho social support interventions in partnership with civil society, up scaling of early childhood development initiatives which is a partnership between three Ministries being the Ministry of Local Government and Rural Development (MLGRD), the Ministry of Basic Education (MoBE), and MoHW.

46. Although funding was not allocated for the implementation of the NPA for All Children, it is being implemented piecemeal by stakeholders albeit with little monitoring. This is being done through initiatives such as the Affirmative Action Programme and the provision of services for children in remote area dwellings by MLGRD.

47. Botswana will conduct the second situational analysis on OVCs during the course of 2017 as the study Protocol has been approved by the Human Research Development Council. In this regard, the process of recruiting a Consultant to conduct data collection has commenced.

48. A National Survey was conducted in 2016 on life experiences and risk of HIV infection amongst children and youth aged 13–24 years. The draft preliminary report is in place and consultations on the findings are ongoing; the outcome of the National Survey on life experiences and risk of HIV infection amongst children and youth aged 13–24 years as well as a situational analysis on OVC will inform the development of the OVC Policy. Both the National Survey and the situational analysis are supported by the United States (US) Government.

Human rights education

49. Human rights education has been streamlined in the school curriculum at the primary and secondary levels through social and cultural studies, moral education, guidance and counselling, development studies, history, geography and environmental science curriculum. At the tertiary level, human rights issues are covered in legal and administrative courses especially to raise awareness.

50. Botswana has undertaken legislative measures to prohibit and eliminate all forms of harmful social, cultural, religious and traditional practices. In particular, Section 62, (subject to Section 61(3), and Section 90 which allow corporal punishment as prescribed by the law) of the Children's Act, 2009, prohibits harmful social, cultural and religious practices which are detrimental to a child's well-being.

Non-discrimination

51. Botswana is cognisant of the fact that there are some segments of the population that are disadvantaged, marginalised and deserve targeted attention. The Government's aim is to

reach out to these disadvantaged and marginalised communities through various schemes and initiatives by putting in place a number of policies and programmes to address concerns of affected communities and to allow the communities to actively participate and benefit in the development of the country's economy.

52. Botswana continues to implement court decisions giving beneficiaries their rights and consultations are ongoing with a view to review and reform national laws to address discrimination of marginalised and disadvantaged groups in the society such as refugees, lesbians, gays, bisexuals, trans-gender and/or intersex (LGBTI) persons, domestic workers, sex workers, asylum seekers and foreign inmates.

53. The Remote Area Development Programme (RADP) and its Affirmative Action Framework for Remote Area Communities (RACs) together with the 10 year implementation plan were introduced in 2014 specifically as one of the flagship programmes which involves regular consultations with RACs and monitors implementation of identified projects for the benefit of the RACs.

54. The Affirmative Action Framework for RACs is guided by the Revised National Policy for Rural Development, the National Strategy on Poverty Reduction, and RADP document of 2009 and is meant to ensure that the RACs benefit from national programmes across sectors, through close monitoring of implementation and fast-tracking of programmes in the remote area communities, for optimum benefit.

55. Specifically, affirmative action is intended to:

(a) promote social inclusion of people living in recognised remote area settlements, both individually and/or as a family in the development of the country;

(b) provide development infrastructure in the recognised remote area settlements for the RACs to be able to participate in the economic and social activities of the country;

(c) enable RACs to build sustainable livelihoods, promote self-reliance and sustainable utilisation of natural resources;

(d) enhance RAC's access to social services, poverty eradication initiatives and other national development programmes;

(e) facilitate community participation of RACs in community development initiatives; and

(f) enhance collaboration with NGOs, CBOs, Faith Based Organisations (FBOs), Development Partners and Private Sector on the development of RACs.

56. Botswana is currently undergoing internal consultations with the view to acceding to the Convention on the Rights of Persons with Disabilities. The Coordinating Office for People with Disabilities has been revising the National Policy on Care of People with Disabilities of 1996. In this regard, the Revised National Policy on Disabilities 2016 has been submitted to Parliament and is expected to be discussed during the Winter Session of Parliament in July 2018.

57. The Government continues to provide social safety nets for people with disabilities and has introduced Disability Cash Transfer to cushion the vulnerability of people with severe and profound disabilities at an amount of P300.00 (approx. USD$ 30.00) plus a food basket on a monthly basis. To date 5,747 people with disabilities earn the disability allowance against the initial target of 5,000.

58. In order to enhance coordination of the implementation of services for persons with disabilities, the Coordinating Office for People with Disabilities has ensured that the following structures are in place:

(a) National Coordination Committee on Disabilities;

(b) National Technical Committee on Disabilities; and

(c) District Disability Coordination Committees.

59. The Coordinating Office for People with Disabilities has also adopted the following Programmes /Projects for People with Disabilities:

(a) poverty eradication;

(b) Affirmative Action on employment of People with Disabilities;

(c) free consultation at all Government health facilities;

(d) provision of prosthetic and orthotic services at subsidised rate of 5 percent of the total price and free fitting for those registered as destitute persons;

(e) provision of annual subventions to organisations providing special education and skills training;

(f) special cut off points for admissions of students with learning disabilities at tertiary education; and

(g) sponsorship of students with learning difficulties in Institutions of Higher Learning.

60. Current short comings in the legal framework prevent persons with disability from enjoying their full civil and political rights. People living with disabilities continue to face challenges such as access to public transport, buildings, health care, service centres including places of worship, which prevents free enjoyment of their Constitutional right to freedom of movement.[2]

61. The Ministry of Presidential Affairs, Governance and Public Administration has revised the National Policy on Care of People with Disabilities of 1996. The Policy awaits approval by Parliament during the Winter Session of Parliament in July 2018.

62. Disability has been viewed as a health issue hence other sectors did not effectively play their primary role in providing services to People with Disabilities. The revised Policy emphasises the importance of implementing services through infusing the determinants of disability into sector mandates for ownership and full implementation.

63. The revision of the Policy is also intended to address other emerging and cross cutting issues such as gender, HIV/AIDS as well as vulnerability of people living with disability.

64. The revised Policy is crafted based on the provisions of the United Nations Convention on the Rights of Persons with Disabilities. This will help us as a country to ensure that the provisions of the Convention are implemented through this policy, hence preparing the ground for ratification.

Human rights training

65. Botswana provides human rights training for the disciplined forces. The Botswana Defence Force (BDF) provides human rights training under the law of armed conflict at the Junior Command and staff levels and in-depth at the Defence Command and Staff College, while the Botswana Prisons Service provides training through human rights modules infused in the initial Prisons Officers' Course Syllabus. The Botswana Police Service (BPS) also provides human rights training in their training curriculum.

66. In addition, Botswana hosts the International Law Enforcement Academy (ILEA) which is situated in the South East of the country. It offers training on human rights and other law enforcement courses. The Academy is supported by the US Government and provides courses for law enforcement officers from Botswana, Southern African Development Community (SADC) region and the African continent.

Gender equality

67. The Constitution of Botswana recognises the equality of women and men before the law. In this regard gender equality is a key principle that is embraced in national policies and planning frameworks. Over the years gender equality has been increasingly accepted as an important development variable by various sectors of the economy.

68. Botswana ratified the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1996. In this regard, there are ongoing efforts by Government to domesticate the CEDAW and develop an operationalisation framework for implementing the CEDAW.

69. The National Vision 2036: Pillar 2 on Human and Social Development recognises gender equality as central to socio-economic, political and cultural development. The National Development Plan 11 also provides for gender mainstreaming and prevention and elimination of Gender Based Violence under the Governance, Safety and Security Thematic Area as aligned to Sustainable Development Goals.

70. In 2015, the Government adopted the National Policy on Gender and Development. In 2016, the National Gender Commission was established to monitor implementation of the Policy. In addition, gender was made prominent in the Ministry of Nationality, Immigration and Gender Affairs (MNIG).

71. The National Policy on Gender has prioritised the following national development areas for gender mainstreaming:

(a) economic development prosperity and poverty reduction to achieve sustainable development;

(b) social protection and social services with prioritised social protection programmes and services including health, adequate sanitation and improved wellbeing;

(c) access to quality education, training and information;

(d) safe housing and consideration of issues of climate change for a sustainable environment;

(e) political power, democratic governance and decision-making;

(f) access to justice, protection of human rights, freedom from violence; and

(g) special and cross-cutting measures targeting vulnerable groups of men, women, girls and boys.

72. To strengthen the Women Economic Empowerment Programme, Botswana committed additional resources in 2017/2018 by increasing the budget from USD2.5 million to USD5.5 million (63.6%). In addition, a Women's Business Directory was developed to facilitate implementation of the Citizen Economic Empowerment and Local Procurement initiatives, and women entrepreneurs' access to available markets.

73. An Advisory Committee on Men's/Boy's and Women's/Girl's issues has also been established to provide technical advice to the NGC (National Gender Commission). There

are also District Development Committees whose mandate is to facilitate implementation of the Policy at District Level.

74. The Government recognizes the importance of traditional leaders (Dikgosi/Chiefs) as custodians of culture and continues to engage them. In November 2015, Dikgosi developed a National Action Plan on Mainstreaming Gender into the Customary Justice System.

75. Regarding engagement of men, in December 2015, Botswana launched the National Champion to drive the He for She campaign particularly in sport. The Men Sector also continues with capacity building amongst men and boys.

76. The representation of women in political leadership remains nominal with only 9 percent of women in Parliament, 17 percent in Cabinet, and 18 percent in Local Government. Women continue to face challenges to fully participate in politics due to gender inequalities and economic constraints, among others. Botswana continues to explore measures and mechanisms to encourage women through capacity building, sensitisation and awareness raising to change societal mindsets and stereotypes regarding women in leadership.

77. Overall Botswana has performed well in promoting women's economic empowerment. Botswana has established the Women's Economic Empowerment Fund that benefits all women including those living in rural areas.

78. Women in Botswana continue to bear the brunt of multiple roles that affect their meaningful participation in productive activities as a result of patriarchy. In this instance, community mobilisation and training of men and women on gender remains a priority for Botswana.

79. Botswana has achieved gender parity in education in terms of both enrolment and retention of boys and girls in primary, secondary and tertiary education. The Government continues to encourage participation of girls in science, technology, engineering and mathematics through targeted scholarships and mentorship programmes.

80. The Government and CSOs conduct outreach programmes through Gender District Offices to disseminate information on gender and women's empowerment to women and men in rural areas. To enhance understanding and support for equality of women and men, the Government has developed public education materials specifically on the concept of gender equality and translated these into the local language.

81. Botswana signed and acceded to the Revised SADC Protocol on Gender and Development on 10th May 2017. The SADC Protocol was revised to align its objectives to various global targets and emerging issues. The Revised SADC Protocol provides for the empowerment of women, elimination of discrimination, and the promotion of gender equality and equity through gender-responsive legislation, policies, programmes and projects.

Cooperation with treaty bodies

82. Botswana continues to cooperate with Treaty bodies whenever requested. The Special Rapporteur for Safe Drinking Water and Sanitation visited Botswana in 2015. Botswana has further acceded to the request for the Special Rapporteur on the Right to Food and the Special Rapporteur for the Right of Minorities to visit Botswana at mutually agreed dates.

83. MIAC has developed a monitoring mechanism on the implementation of accepted recommendations from Special Procedures and Treaty Bodies. MIAC provides a status update on implementation to Cabinet on a monthly basis. This started in July 2017.

Death penalty

84. The Government has not been able to hold public debates in regard to the question on the death penalty since the last review cycle.

Gender based violence

85. The Domestic Violence Act, [Cap 28:05]. Act No. 10 of 2008 abolishes spousal exclusion in rape cases. The Act provides a wide range of remedies for abuse and abusive behaviour including "sexual abuse or threat thereof" in a "domestic relationship". Domestic relationship in terms of Section 2 of the Act includes a relationship where people "are or were married to each other".

86. Furthermore, Botswana is currently piloting a GBV referral system in an effort to provide comprehensive service delivery to survivors of GBV. In addition, the Government acknowledges that currently there is no specific legislation that addresses sexual abuse. However, the on-going process of domesticating the CEDAW is intended to address such issues.

87. The Government continues to collaborate with different stakeholders and partners in efforts to address GBV and raise public awareness on the issue. The health sector engages communities in the prevention and management of GBV through the District Male Action Group community mobilisation strategy. CSOs mobilise community participation in the prevention of GBV through house-to-house campaigns. This contributes to early detection, identification and timely referral of GBV cases.

88. Training of health care providers on the clinical management of GBV including forensic evidence preservation, collection and reporting was enhanced since 2011 following the development of the GBV Health Sector Policy Framework and Health Care Service Providers' Protocols and Service Standards. These Protocols and Service Standards provide for counselling by health care providers and training for hospital based social workers on GBV. The clinicians are also trained in screening skills to identify survivors of GBV.

89. The Government provides financial and technical support to CSOs to offer counselling services to GBV survivors and their families. Social workers received training on gender mainstreaming and GBV using the developed National Gender Mainstreaming Curriculum. The training enhanced general knowledge on gender and the skills to provide psychosocial support to GBV survivors and their families.

90. The Botswana Police Service has regularised inclusion of gender and GBV in their pre-service and in-service trainings. Tools to facilitate capturing of gender disaggregated data at service points have also been developed by the police. The establishment of specialised units within the Police Services dealing specifically with GBV cases is under consideration.

91. Although there is no State owned shelter for women who are GBV survivors, the two (2) shelters run by CSOs receive financial and technical support from the Government and development partners. The Government runs one shelter for vulnerable children and also provides financial support to four (4) others run by CSOs.

92. Public awareness raising activities on violence against women and girls are done through cultural and community dialogues, television and radio discussions, seminars and campaigns including international commemorations. The development of the National Action Plan towards ending GBV is underway, targeting inclusion of all efforts by the different stakeholders and training of the service providers. This plan will facilitate monitoring of interventions to gauge progress and impact.

93. The draft National Strategy (2016-2020) towards ending GBV in Botswana highlights key interventions targeting negative cultural practices that impact on gender equality.

Right to education

94. Every child is guaranteed the right to basic education' through Section 9 of the Children's Act [Cap 28:04], Act No. 8 of 2009 which provides that the rights set out in Part III (Bill of Child's Rights) supplements the rights set out in Chapter II (Bill of Rights) of the Constitution. In this regard, education in Botswana is free for public schooling from primary level to secondary level.

95. Early Childhood Learning has been introduced as an integral part of the formal education system. As a result, the Ministry of Basic Education is currently rolling out Pre-Primary Education and has set up Pre-Primary classes in 471 (62.4 percent) primary schools out of 755. To date 20,361 pupils are enrolled in Pre-Primary Education.

96. Botswana further recognises the achievement of the Education for All (EFA) goals as one of the fundamental steps in the development and provision of education in the country. As a result, measures are in place to ensure increased access to education by all. These include:

(a) implementation of Adult Basic Education Programme and Out of School Children Education Programme;

(b) implementation of Back to School Initiative;

(c) maintaining flexibility in the admission policy to enable children from Remote Area Dweller Settlements (RADS) to start school at an age not later than the official entry age of 6 years. This includes the provision of boarding facilities and transportation to and from boarding schools for children from RADS to increase their access to education;

(d) provision of transport to children with special needs to and from school to ensure increased participation in education;

(e) provision of sponsorship for children with special needs to access programmes that are currently not offered in the country;

(f) provision of psycho-social and basic needs (food basket, school uniforms and stationery) to OVC's including those from poor socio-economic backgrounds;

(g) implementation of a school feeding programme, to cater for all children, including those from poor economic backgrounds, with the aim of increasing access to education and creating a friendly school environment;

(h) implementation of the pregnancy policy to ensure that children who drop out of school due to pregnancy are able to continue with their education following confinement;

(i) mainstreaming gender into educational policies, programmes and projects to ensure provision of gender sensitive education programmes; and

(j) establishment of Centres for children with severe multiple disabilities.

97. The Government of Botswana further offers sponsorships[1] covering tuition and subsistence allowance to students in Local Public Tertiary Institutions and Local Private Tertiary Institutions registered by the Botswana Qualifications Authority (BQA). Sponsorships are also offered to regional and international accredited external institutions which offer programs not available in Botswana.

Access to justice

98. Section 3 of the Constitution accords every person in Botswana the protection of his fundamental rights and freedoms. Section 10 (1) of the Constitution guarantees any person who is charged with a criminal offence to be given a fair hearing within a reasonable time, by an independent and impartial court of law. In protecting the right to a fair trial, the Courts are cognisant of the fact that "Justice must not only be done, it must also be seen to be done."

99. The individual's fundamental rights and freedoms are also promoted and protected through the right to appeal. Not only is the right of appeal exercised through the Court of Appeal but also through the High Court, and the Customary Court of Appeal.

100. Specialised Courts have also been introduced to dispense justice expeditiously, namely the Small Claims Courts, the Traffic Courts, Stock Theft Courts, Corruption Courts and Child Maintenance Courts. To further enhance access to justice, Magistrate courts were opened in Kang and Shakawe in 2016 and in Nata in February 2017. To increase efficiency of the judicial system, the Administration of Justice procured stenograph equipment which will facilitate real-time court reporting.

101. Legal Aid Botswana is now fully operational, and provides legal assistance to indigent persons in Botswana. Legal Aid Botswana is mandated to assist indigent persons to access legal representation. It plans to reach coverage where every citizen will be within a 100 kilometre radius of a Legal Aid Centre. Additional Offices have been opened in Maun, Kanane and Tsabong. Plans are underway to open Offices in Palapye and Gantsi over the 2017/18 Financial Year. For the 2016/17 Financial Year, Legal Aid received 2,752 applications of which 70 percent where granted on the basis of a means test.

102. In order to improve conditions in prisons, the Botswana Prison Service (BPS) continues to maintain and refurbish facilities countrywide. To further decongest prison facilities, 29 prisoners and 366 matalees were released from custody during 2016/17. The BPS is also drafting the Prisoner Rehabilitation Policy which provides for more structured and effective offender rehabilitation programmes. In addition, the development of an Offender Case Management System is underway and will provide for more focused offender treatment and rehabilitation. The Prisons Act [Cap 21:03], Act No. 28 of 1979 is also being amended to conform to the modern correctional environment.

Ratification of treaties

103. Botswana had accepted the request to consider ratification of a number of Human Rights Treaties during its 2nd Cycle Universal Periodic Review. While Botswana may not have ratified any Treaty, she has made significant progress in adopting measures that will confer certain rights as contained in the Treaties.

104. Whilst there is currently no work towards ratification of the International Convention on the Protection of the Rights of Migrant Workers and their Families and the

International Labour Organisation Convention (189), MNIG is working on the development of the Migration Policy which will, amongst others, spell out the rights of migrant workers.

105. The Government, through the MNIG, received funding amounting to 1.3 Million Pula (US$130,000.00) in 2016 from the International Development Fund of the International Organisation for Migration (IOM), for the development of the National Migration Policy.

106. The draft Policy is undergoing final consultations before being tabled in Parliament and aims to provide a strategic vision on migration management, balancing the government's development, security and humanitarian objectives around the four pillars of migration management, migration and development, facilitating migration, regulating migration, and forced migration.

107. The overarching principles underpinning the National Migration Policy are facilitation of movement, upholding social justice, protecting fundamental rights and freedoms, promoting development, building cooperation, mainstreaming gender issues and maintaining security.

108. Furthermore, IOM supported MNIG in developing Standard Operating Procedures (SOPs), specifically the Profiling Form and the National Referral Mechanism (NRM) for screening, identifying, profiling and referring vulnerable migrants for service provision and protection. The draft SOPs will be piloted for six (6) months prior to final adoption for usage.

109. Ratification of the third Optional Protocol to the Convention on the Rights of the Child on a communication procedure has not been considered as it has not been widely disseminated.

Minimum age of criminality

110. Section 82 of the Children's Act [Cap 28: 04], Act No.8 of 2009 provides that "A child under the age of 14 years shall not be presumed to have the capacity to commit a criminal offence unless it can be proved that at the time of committing the offence, the child had the capacity to know that he or she ought not to do so". The Children's Act takes precedence over all other laws that have a bearing on children, hence this section has effectively raised the age of criminal responsibility.

111. There is currently work being done to ensure that the minimum age for criminal responsibility is raised to harmonise all legislation relating to the rights of the children.

Women participation in politics and corporate life

112. The rights of individuals are guaranteed in the legal framework, particularly the Constitution of the Republic of Botswana. In the political set up of the country, such liberties in the Constitution include citizens' franchise and the right to vote and to be elected into a political leadership position.

113. The participation of women in politics and in general public life is still lagging behind and Botswana has not attained the international target of 50 percent women in decision making positions. Out of 1,611 individuals who participate in high political posts and other public life, 429 are women compared to 1,182 of their male counterparts.

114. Special temporary measures to accelerate political participation are not yet in place. However recognising the critical importance of equal inclusion of women and men, the National Policy on Gender and Development prioritises adoption and application of

affirmative measures by sector as necessary to address identified gender gaps in line with their mandates.

115. The participation in the political sphere is gender neutral thus allowing both genders to participate equally in the public affairs. The responsibility to ensure equal participation in open primary elections has been left to different political parties. Generally political parties hold their primary elections to determine candidates to compete in the national elections. Most of the political parties do not practice quota system in determining candidates for national elections.

116. In order to enhance the participation of women in politics and economic development, the UNDP is providing financial support of USD 10,000.00 to the Gender Affairs Department to support the capacity of the National Gender Commission for policy oversight as well as financing NGOs to the tune of USD 50,000.00 to support women candidates to effectively compete in the 2019 General Elections.

III. Issues raised by the civil society organisations not covered in the implementation of recommendations

Servitude and child labour/forced labour and exploitation

117. Whilst not documented, stakeholders raised issues of slavery and child labour especially in farming communities in the country. The Government wishes to state that Section 6 (1) of the Constitution protects all persons living in Botswana from slavery or servitude. Furthermore, Botswana ratified the Protocol on the Suppression and Punishment of Trafficking in Persons especially Women and Children in 2002 and the Optional Protocol to the Convention on the Rights of the Child on Sale of Children and Children Prostitution in 2003.

118. Enactment of the Anti-Human Trafficking Act of 2014 forbids all forms of human trafficking in and through Botswana. The objective of the Act is to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. The Act provides for the prohibition, prevention and combating of human trafficking' and exploitation' as well as measures to protect and assist victims of trafficking in persons and other matters incidental thereto.

119. In the development of the National Action Plan, multi-stakeholder consultations were done with CSOs, to raise awareness on human trafficking issues. In this instance, we urge the CSOs who might have a wider reach to work together with the Government in addressing the situation and to bring those responsible to account.

Right to free association and assembly

120. Section 13 of the Constitution guarantees the right to assembly and association. This right is enjoyed by individuals, groups and communities alike. As of August 2015, 7,628 organisations were registered in Botswana. 1,952 of them are religious groups, 1,738 are sports groups, 1,608 are burial groups, 80 are women's groups and 15 are political parties.

121. Where persons are of the opinion that their right to enjoy freedom of association is being infringed upon, they can take the matter to the courts. LEGABIBO recently sued the Government for refusing to register it as an Association. The Judgment on this matter was delivered on the 14th of November 2014 wherein the High Court held that *"denying people whose sexual orientation is not a crime in Botswana ... the right to register a society for*

the purposes of lawfully carrying out advocacy for, inter alia, decriminalisation of homosexuality is a clear violation of their constitutional rights to freedom of... association contrary to Section 3 of the Constitution"...."In a democratic society such as ours, freedom of association, assembly and expression are important values duly protected by our Constitution...The enjoyment of such rights can only be limited where such limitation is reasonable and justifiable in a democracy."[7] This matter went on appeal and the High Court decision was upheld.

122. However, in the interest of defence, public safety, public order, public health and public morality, the BDF, BPS and Botswana Prisons Service are not allowed to unionise because they are charged with the responsibility of maintaining law and order.

Land management conflict

123. While stakeholders raised the issue of land management and use as well as conflict between wildlife and people, Botswana is committed to the sustainable management of natural resources. This commitment is supported by various legislations and policies such as:

(a) Community Based Natural Resource Management Policy;

(b) National Policy on National Resources Conservation and Development;

(c) Wildlife Conservation Policy;

(d) National Water Policy;

(e) Forest Policy;

(f) Tourism Policy;

(g) Environmental Impact Assessment Act; and

(h) Mine and Minerals Act.

124. Human-wildlife conflict is a serious concern in the Northern part of the country, and mostly occurs outside protected areas. Increased wildlife population coupled with increase in human population has led to conflict between the two as a result of competition for space/land.

125. In this instance, the Government has in recent years introduced different mechanisms to reduce human-wildlife conflict. One of them is the construction of non-lethal electrified fences around protected areas. The main objective for the erection of electric fences is to address the human-wildlife conflict issue by preventing wild animals encroaching into the communal land and, on the other hand, livestock from encroaching into the National Parks.

126. To ensure sustainable livelihoods for those communities that are disadvantaged by the fencing, the Government has acceded to the request to change some of the plots from traditional usage to tourism so that a fair number of members of the community can benefit from the increased activities in tourism in the affected areas.

127. Botswana has developed policies, strategies and plans that support the conservation and protection of finite natural resources; promote use of renewable energy as alternatives; adopting and mainstreaming global multilateral environmental agreements and protocols in national legislative framework and policies.

Safe drinking water and sanitation

128. The Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, Mr. Léo Heller visited Botswana in 2015 with the view to examine the progress made and challenges faced in ensuring the full realisation of the human right to safe drinking water and sanitation in the country. Botswana welcomed the concluding observations and recommendations contained in the report produced by the Special Rapporteur following his visit and took on board the majority of them.

129. Water quality which is of great concern will be comprehensively addressed through the establishment of a multi-stakeholder Water, Sanitation and Hygiene (WASH) programme. Through the WASH programme, mechanisms will be established for information sharing on water quality with clear roles and responsibility.

130. The 2012 National Water Policy was drafted to ensure equity, efficiency and sustainability. The Policy makes provision for the prioritisation of water for personal and domestic use and stipulates that access to water will be given in the following order of priority:

(a) the basic requirements required for human consumption;

(b) the environment to ensure sustainable foundations for supporting the national interests; and

(c) arable and livestock use, commercial and industrial applications.

131. This prioritisation will inform the review of the Water Act.

132. However, Botswana is faced with challenges of scarcity of water, delayed infrastructure development, and limited funding. In this regard, the country is sourcing funding for infrastructure development from its development partners.

Sexual and reproductive health rights

133. The Sexual and Reproductive Health (SRH) Policy and Guidelines provide that all women of reproductive age are eligible to receive contraceptives without consent of third parties except when requiring sterilization. The notion of reproductive age limits service provision only to those females between 15 and 49 years. There is need therefore to strengthen access to reproductive services for adolescents.

134. Botswana continues to register high incidence of preventable maternal deaths, with a Maternal Mortality Rate (MMR) at 127 per 100,000 live births (2015 per Statistics Brief). The Government aims to improve the quality of care offered to pregnant women during pregnancy, delivery and the post-partum period.

135. Botswana's laws provide for access to safe abortion services on three grounds:

(a) when the pregnancy is a result of rape, defilement or incest;

(b) to save the life of the mother; and

(c) where there is a risk of the child being born with deformities.

136. Unsafe abortion accounted for 24 percent of total maternal deaths as per MoHW Maternal Mortality Audit Report 2012-2014. Access to abortion services is also limited by legal procedures to prove rape or sexual assault, under reporting of rape and sexual assault, the need for consent to abortion for adolescents, inadequate access to correct information on the available services, and negative attitudes by some service providers.

137. Botswana aims to address the unmet need for family planning for women and girls to reduce unwanted pregnancies, through introduction of long term methods (Implants) and increased access to emergency contraception. There is need to strengthen reproductive commodity security to address erratic supply of the Family Planning commodities.

138. Cultural dynamics and socio-economic inequalities continue to hinder/limit women's independence on sexual and reproductive health decisions. The Government continues to implement and promote legislation targeted at protecting women (Domestic Violence Act, Abolition of Marital Power Act, Matrimonial Property Act etc). The Government also continues to conduct education on gender based violence.

IV. Implementation of voluntary commitments

139. Botswana had committed to submitting a Voluntary Interim UPR Report and this was done in 2015.

V. Achievements and good practices – challenges and limitations

Right to housing

140. Botswana adopted a New Land Policy in 2013 whose overall objectives are to:

(a) protect and promote the land rights of all land holders;

(b) ensure that all eligible citizens have the opportunity to access and use the land;

(c) encourage citizens' retention of rights to land;

(d) promote equity in access to land and natural resources;

(e) improve the land management system and ensure that it is predictable, transparent, reliable, consistent and timeous;

(f) establish an up-to-date, efficient and accessible land information centre; and

(g) promote compatible and best use of land, and other land resources.[8]

141. The Policy also introduced affirmative action measures for vulnerable categories of the society, such as remote areas communities, widows, orphans, youth, and people with disabilities. Furthermore, the Government introduced the Land Administration Procedures and Processes Capacity Building Systems (LAPCAS). The intention of this project is to register all real property in the country. In this regard, both the Government and individuals are able to assert citizens' right to property. This also helps the Government to identify people without land.

142. The Government also has the following programmes in place which enhance the right to property ownership:

(a) Self Help Housing Agency (SHHA) scheme is meant for low income earners within the range of P395 - P3, 000 per month across the country. These individuals receive interest free loans to improve their residences or receive complete residential units.

(b) The Poverty Alleviation and Housing Programme (PAHP) was introduced during National Development Plan 8 to cater for income groups that cannot access loans from financial institutions and fall below SHHA income threshold. So far, this programme has produced 148 housing units across the country.

(c) Under the Destitute Housing Programme, the Government has constructed 1732 decent shelters for the poor since 2008/9.

(d) All citizens are given equal opportunities to acquire land. The Government also allows all Botswana citizens to apply, wherever they deem suitable, for land, either for residential or commercial purposes.

Vision 2036

143. The Vision 2036 document, launched in September 2016, provides an opportunity for the country to define its roadmap for the next 20 years. With an all-encompassing theme of "*Achieving Prosperity for All*", the Vision provides an inclusive development path to be achieved through the expansion of the domestic economy while empowering citizens to meaningfully participate in the development of their country.

144. The Vision 2036 pillars are Sustainable Economic Development; Human and Social Development; Sustainable Environment; and Governance, Peace and Security.

145. Achieving the goals and objectives of Vision 2036 will require a refocus of current development model towards an export-oriented, labour-intensive, and private sector driven model. This is necessary so as to further create sustainable job opportunities and diversify our economic base.

National Development Plan (NDP 11)

146. Botswana's adoption of the Eleventh National Development Plan (NDP 11) in December 2016 followed the country's 50th Anniversary of Independence and the launching of the Vision 2036 in September 2016. As a nation, we note with pride the country's transition from one of the poorest countries at independence to an upper middle-income country over the past 50 years. This success can be attributed to the presence of strong democratic institutions including the promotion and protection of human rights, prudent economic management, and the sustainable use of proceeds from diamond production to build productive physical and human capital.

147. NDP 11 was prepared to guide the medium term economic development path for the country, as well as being the first in the series to implement Vision 2036. The theme for NDP 11 is "*Inclusive Growth for the Realisation of Sustainable Employment Creation and Poverty Eradication*".

148. To address some of the developmental challenges, NDP 11 focuses on six broad-based national priorities of:

(a) Developing Diversified Sources of Economic Growth;

(b) Human Capital Development;

(c) Social Development;

(d) Sustainable Use of Natural Resources;

(e) Consolidation of Good Governance and Strengthening of National Security; and

(f) Implementation of an Effective Monitoring and Evaluation System.

Anti-Human Trafficking National Action Plan

149. Following the enactment of the Anti-Human Trafficking Act in 2014, the Government established the Human Trafficking (Prohibition) Committee in 2015 following an aggressive campaign to raise the level of consciousness amongst all stakeholders with a view to develop a comprehensive National Action Plan (NPA) (2017–2020).

150. The Government recognises that human trafficking is multifaceted and therefore requires targeted interventions at all levels and that the continuous monitoring and evaluation will enable the plan to comprehensively respond to any emerging issues.

151. The NAP is indicative of the Nation's transformational agenda of achieving prosperity for all as pronounced through Vision 2036, including National objectives outlined under Governance, Safety and Security chapter of the NDP 11.

Challenges and support from the international community

152. Despite the afore-mentioned successes, the country continues to face challenges such as high unemployment (20 percent in 2013), income inequality and a relatively undiversified economy. The country's heavy reliance on diamond exports coupled with drops in revenue from non-mineral sectors, are expected to adversely impact on the level of the real GDP. In this regard, Botswana continues to carry out the requisite reforms which include introducing measures to strengthen the economy and even more importantly, diversifying it away from its dependency on diamonds.

153. Without accelerated economic growth, it will remain difficult for Botswana to create jobs, especially those that contribute to increased productivity, poverty reduction and the attainment of equitable social development. The Government's policy and planning frameworks clearly consider economic diversification as a crucial step towards promoting employment and economic development.

154. The country's outstanding achievements and gains in socio-economic development have, however, over the last three decades, suffered a major setback due to the devastating human and social impact of HIV and AIDS pandemic. The direct costs of HIV and AIDS prevention, treatment, care and support are accompanied by an indirect loss to the economy especially in terms of professional, skilled and experienced human resources, thereby significantly reducing productivity and the rate of economic growth. These challenges are exacerbated by the adverse effects of "Middle Income Trap", hence our appeal for continued support from the development partners and the international community as a whole.

Notes

[1] Ditshwanelo -The Botswana Centre for Human Rights, Botswana Watch, Thusano Lefatsheng, The Lesbians, Gays and Bisexuals of Botswana (LEGABIBO), Botswana Society for the Deaf, Botswana Network of People Living with AIDS (BONEPWA), LEB, Botswana Educational Research Association (BERA), Society of Road Safety Ambassadors, Skills Share International Botswana (SKIB), Motse Wa Kgalalelo Youth Project, Okavango Community Trust, Khwai Village, Tane Ko Teemahane Women's Foundation, Green Ginger Association, Thuso Rehabilitation Centre, Khawi Development Trust, Tsodilo Trust, Bana Ba Letsatsi Trust, BRAP Group, Save Wildlife Conservation, Ngamiland Council of Non Governmental Organisation (NCONGO), Non Governmental Organisation (NGO) Council, Khwedom, Food Bank Botswana Trust, Kagisano Society Women Shelter, Marang Child Care Network Trust, Kitso ke Maatla, Emang Basadi, Botswana Substance Abuse Support Network (BOSASNET), Rainbow Identity, Botswana Christian

Aids Intervention Program (BOCAIP), Botswana Council of Non-Governmental Organisations (BOCONGO), Mbanyeru Youth Association Botswana, Light & Courage Centre, Mazibakufa Development Trust, Alliance for a Healthier Generation, Nlapkhane Community Environment Trust, Bhokamano Conservation Trust, Environmental Heritage Foundation, Methodist Church, Botswana Guardian, and the Mmegi Newspaper.

2 Section 14 of the Constitution of Botswana

3 See Section 18 of the Children's Act

4 These are in the form of loans, full or partial grants depending on the course of study

5 Human trafficking is widely defined in Section 9 of the Act as the recruitment, transport, transfer, harbouring or reception of another person "by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation of that person." It also includes the removal of an organ from a person's body, forcing a woman to fall pregnant and take the child away, subjecting a person to slavery or forced labour, instigating a person to commit an act of prostitution, instigating a person to take part in an obscene publication or obscene display or committing a sexual offence against a person. [Section 9(2)]

6 According to Section 2 of the Act, the term "exploitation" includes but is not limited to "keeping a person in a state of slavery, subjecting a person to practices similar to slavery, involuntary servitude, forcible or fraudulent use of any human being for removal of organs or body parts, forcible or fraudulent use of any human being to take part in armed conflict, force labour, child labour, sexual exploitation, child marriage, or force marriage."

7 See case Thuto Rammoge and others vs The Attorney General of Botswana, MAHGB-00175-13 of November 14, 2014. Paragraph 57.

8 See **Botswana Land Policy**, 2013, Ministry of Lands and Housing, paragraph 49